

REMARKS

Upon entry of this communication, claims 1, 20-24, 28, 35, 36, 46-48 will be pending; claim 1 will be amended to correct a typographical error; the title of the application will be amended to more accurately reflect the claimed subject matter; paragraphs [0054], [0057], [0058], [0065], [0066], [0068], [0069], [0070], [0071], [0074], and [0075] will be amended to associate sequence identifiers with sequences described in the specification. A terminal disclaimer accompanies this communication. No new matter is added.

Objections to the Specification:

Applicants have amended the title of the application as recommended in the Office action of February 16, 2010. In addition, Applicants have amended the figure descriptions to references sequence indentifiers for the sequences described therein and submit herewith a new sequence listing that incorporates nucleotide and amino acid sequences recited in the figures.

Rejection under § 112:

The Office rejects claims 1, 20, 22-24, 28, 35, 36, and 46-48 under § 112, second paragraph based on claim 1 reciting the mutation D1183D. Applicants assert that claim 1 should recite a mutation D1183E. Claim 1 is amended herein to correct this typographical error. Applicants thank the Examiner for noting this issue and request that this rejection be withdrawn in view of the amendment.

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PATENT

Double patenting rejection:

The Office rejects claims 1, 20, 22-24, 28, 35, 36, and 46-48 on the grounds of nonstatutory obviousness-type double patenting in view of claims 1-78 of U.S. patent 6,699,476. Applicants neither agree with, nor refute the merits of this rejection, but rather include a terminal disclaimer herewith to moot the issue and advance prosecution.

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